S.B.Civil Writ Petition No.1808/2007

Om Prakash.

vs.

State of Rajasthan and others.

Date : 2.7.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.DK Gaur, for the petitioner.

Mr.RS Saluja) for the respondents.
Mr.OP Boob, Addl.GA)

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At the request of learned counsel for the parties, this writ petition is heard and decided finally.

The petitioner was sought to be retired with effect from 30.6.2007 on his attaining the age of superannuation. The petitioner, therefore, filed this writ petition alleging that his date of birth has not been taken properly. According to the petitioner, his actual date of birth is 24.6.1953. The petitioner placed on record copy of scholar register obtained from the Education department, Government of Rajasthan wherein according to the petitioner, his date of birth has been entered as 24.6.1953. The petitioner also

placed on record copy of his janam patri and his affidavit, which according to the petitioner, he submitted when he joined the service with Municipal Corporation, Jodhpur in the year 1975. This affidavit is dated 1.10.1975. Copy of impugned order passed by the Municipal Corporation is Annex.4. The petitioner raised objection by writing letter to the Commissioner, Municipal Corporation, Jodhpur.

The respondent submitted reply to the writ petition and pointed out that the petitioner's original service book shows his date of birth as 1.7.1947. Copy of service book is placed on record by the respondent and original has been shown to the Court. According to learned counsel for the respondents, it appears that by manipulation, another service book was prepared but fabrication is apparent from the second service book itself. In the year 1975, Municipal Corporation, Jodhpur was not in existence. It was created in 1994. In the second service book, there is seal of Municipal Corporation, Jodhpur which was not in existence in 1975. Not only this, there is no signature on the said sealing of the Municipal Corporation. It is submitted that by taking help of that fabricated second service book, the petitioner was able to obtain his date of birth entered in some of the documents. It is submitted that first service book is regularly maintained book as

well as signed and countersigned by the officers of the Municipality. It is also submitted that a seniority list was prepared as back as in the year 2002 about five years before the impugned order was passed. In the said seniority list, the date of birth of the petitioner has been mentioned as 1.7.1947 which was never objected by the petitioner.

I considered the submissions of learned counsel for the parties and perused the original service book of the petitioner as well as the facts of the case.

The service book showing the date of birth of the petitioner as 1.7.1947 appears to be a regularly kept service book of the petitioner with sign of the concerned officers whereas the second service book appears to have been prepared fraudulently and there is no explanation that how the seal of Municipal Corporation, Jodhpur, which was not in existence, came in the service book and that too for the purpose of 1975. The petitioner did not chose to challenge the seniority list which was issued as back as in the year 2002 showing his date of birth as 1.4.1947. In view of the above, it appears that the second service book was prepared fraudulently.

In view of the above reasons, I do not find any

merit in this writ petition. Consequently, this writ petition is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya